

FBI Denies Bobby Baker Evidence Was Obtained Through Wiretapping

By John P. McKenzie
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The Justice Department formally denied yesterday that the indictment against Robert G. (Bobby) Baker was based on evidence or leads obtained from electronic eavesdropping or "any improper source."

Replying to "massive wiretapping" charges by the for-

mer Senate Majority Secretary, the Department said the FBI never bugged Baker's home, law office, rented apartment "or any of the various offices and telephones used by him in the Capitol Building."

All the evidence behind the indictment for theft, conspiracy and tax evasion was "legally obtained from independent third-party sources," the Department said in opposing Baker's motion to suppress evidence.

In a 103-page response to Baker's pretrial motions, the Government did not deny that agents placed listening devices in six Las Vegas hotels and gambling casinos or that Baker may have been overheard in bugged conversations there.

Nor did the response, filed with District Court Judge Oliver Gasch, mention the confessed FBI bugging of the Sheraton-Carlton Hotel suite of Fred B. Black Jr., former Baker business associate. Eavesdropping incidents in Las Vegas and in Washington are the subjects of a Nevada lawsuit and motions in the U.S. Supreme Court.

Denials also were entered to charges that agents eavesdropped at the home or offices of Clifford Jones, former lieutenant governor of Nevada who is named as a co-conspir-



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ROBERT G. BAKER
... his charges denied

ator with Baker and as defendant in a related perjury indictment.

Defense charges involving Jones, like those involving Baker directly, were contained in an affidavit filed April 26 by Peter R. Taft, a Baker attorney. Taft said listening devices were found in three hotels and Jones' law office, but did not accuse the FBI of planting them.

Government attorneys William O. Bittman, Donald Page Moore and Austin S. Mittler

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agreed with Taft that Baker is entitled to a hearing on the motion. Judge Gasch already had scheduled a hearing in mid-November and a trial in January.

"Prior to this hearing," the prosecutors added, "the Government will submit to the Court for its inspection all appropriate materials to assist the Court in its consideration of this motion."

Defense attorneys in the law offices of Edward Bennett Williams had not received the court papers when reached by telephone late yesterday.

Also opposed by the prosecutors were Baker motions to produce electronic eavesdropping equipment and

grand jury minutes to dismiss or sever counts in the indictment, and to dismiss the entire indictment on grounds of prejudicial publicity.

Levinson Case Cited

Baker claimed that he was a victim of eavesdropping along with Edward Levinson, a Nevada gambling figure, and others who have filed a civil suit seeking damages from the FBI and the Central Telephone Co. He said the Nevada bugging led him to suspect a similar government operation in Washington.

The Government has been directed to answer the Levinson suit. More far-reaching answers are expected soon when Solicitor General Thurgood Marshall answers the Supreme Court's request for details in the Black affair.

Black has asked the Court to reconsider its refusal to review his tax evasion conviction, which carries a 15-month jail term and \$10,000 fine. He told the Court he was engulfed in the same wiretapping net that Baker complained about.

The justices, alerted to the eavesdropping by a memorandum from Marshall, want to know what kind of device was used in the Black case, who authorized it and on what authority, when the bug was planted, which Government lawyers learned about it and when, whether any record ex-

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ists of overheard conversations, and what use was made of it in Black's prosecution.

The Baker, Black and Levinson cases, all linked circum-

stantially, have produced charges and counter-charges within the executive branch over responsibility for the work of FBI agents.